

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 2786

House Bill No. 2068*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 14, Chapter 2, is amended by adding the following as a new section:

(a) As used in this section, "private business":

(1) Means a person, sole proprietorship, corporation, limited liability company, partnership, trust, association, nonprofit organization described in § 501(c) of the Internal Revenue Code that is exempt from federal income taxation under § 501(a) of the Internal Revenue Code (26 U.S.C. § 501(a)), or another legal or non-governmental entity whether formed as a for-profit or not-for-profit entity engaged in business or commerce in this state; and

(2) Does not mean a healthcare facility licensed under title 68, chapter 11, part 2, or under title 33, that is required by federal rule or regulation, including a federal centers for medicare and medicaid services rule, regulation, or guidance to conduct testing of employees, contractors, or other staff.

(b) If a private business requires a specific cohort or category of individuals, including employees, independent contractors, and employees of such contractors, to test for the presence of COVID-19 at regular intervals, then the private business must require each individual to test for the presence of COVID-19 irrespective of the individual's vaccination or booster status. If a private business has in place a policy or procedure for individuals who test positive for COVID-19, then the private business must



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apply the policy or procedure to each individual who tests positive for the presence of COVID-19, irrespective of the individual's vaccination or booster status.

(c) A private business, or a healthcare facility as described in subdivision (a)(2), that requires an individual to test for the presence of COVID-19 at regular intervals shall not require the individual to pay for the required COVID-19 testing. However, the private business or healthcare facility may seek reimbursement for testing from sources other than the individual.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it.

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AMEND Senate Bill No. 2298

House Bill No. 2313*

by deleting "If person violates subsection (b)" in the first sentence of subsection (c) in SECTION 1 and substituting "If a person violates subsection (b)".

AND FURTHER AMEND by inserting the following new subsection (d) in SECTION 1:

(d) This part:

- (1) Does not prevent a person from requiring an employee to participate in mandatory compliance training based on federal civil rights law;
- (2) Does not prohibit a person from reviewing, obtaining, or utilizing demographic data; and
- (3) Is not applicable if it would result in the person losing federal funding.



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AMEND Senate Bill No. 2297

House Bill No. 1636*

by adding the following as new subdivisions (a)(1) and (a)(2) in SECTION 11 and renumbering the current subdivisions (a)(1) and (a)(2), and all other remaining subdivisions, accordingly:

(1) "Central procurement office" means the government agency established in § 4-56-104;

(2) "Chief procurement officer" means the person holding the position established in § 4-56-104, as the head of the central procurement office and with the powers and duties set forth in § 4-56-105;

AND FURTHER AMEND SECTION 11 by deleting subsections (d), (e), (g), (h), and (i) and substituting the following:

(d) If the department has actual evidence that a violation of this section has occurred, then the department shall require the person to remedy the violation within sixty (60) days of the department's findings.

(e) If the department determines that a person did not remedy the violation within the sixty-day period described in subsection (d), then the department shall refer its findings to the chief procurement officer for a determination or hearing in accordance with § 12-3-309.

(g) A hearing or determination by the chief procurement officer of a violation of this section is not a contested case hearing, as set forth in the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(h) A person appealing a hearing or determination by the chief procurement officer relative to this section must exhaust all administrative remedies provided by the



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chief procurement officer prior to the initiation of judicial review of the hearing or determination.

(i) An appeal of a hearing conducted by the chief procurement officer relative to this section is by common law writ of certiorari. The scope of review in the hearing or determination by the chief procurement officer is limited to the record made before the chief procurement officer and must involve only an inquiry into whether the chief procurement officer exceeded the officer's jurisdiction, followed an unlawful procedure, or acted illegally, fraudulently, or arbitrarily without material evidence to support the officer's action.